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6 **DISTRICT COURT OF GUAM**
7 **TERRITORY OF GUAM**

8 UNITED STATES OF AMERICA,

9 Plaintiff-Respondent,

10 vs.

11 ISRAEL DUARTE-ROSAS,

12 Defendant-Petitioner.

Criminal Case No. 98-00219

Civil Case No. 04-00021

ORDER

13 This matter is before the court on remand from the Ninth Circuit Court of Appeals (“Ninth
14 Circuit”). The Ninth Circuit ordered that this court conduct an evidentiary hearing. *See United*
15 *States v. Duarte-Rosas*, 2007 WL 582845 (9th Cir. February 20, 2007). Accordingly, an evidentiary
16 hearing in this matter is scheduled for Wednesday, July 25, 2007 at 1:30 p.m. The evidence at the
17 hearing will be limited to that which will assist the court in determining the meaning of “elsewhere”
18 as contained in Petitioner Israel Duarte-Rosas (“Duarte-Rosas”) plea agreement and whether
19 Duarte-Rosas is “actually innocent” of conspiracy to import heroin. *Id.* *See also United States v.*
20 *Benboe*, 157 F. 3d 1181, 1184 (9th Cir. 1998).

21 Attorney Curtis Van de Veld shall continue as Duarte-Rosas’ counsel for purposes of this
22 hearing. The United States Marshal is ordered to ensure Duarte-Rosa’s presence in person for said
23 hearing. Duarte-Rosas shall be returned to Guam at least ten (10) days prior to said hearing.

24 **SO ORDERED.**



/s/ Frances M. Tydingco-Gatewood
Chief Judge
Dated: May 07, 2007